

**MINUTES  
of the  
SECOND MEETING  
of the  
RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE**

**July 23, 2014  
University of New Mexico-Los Alamos Campus  
Lecture Hall 230, 4000 University Drive  
Los Alamos**

The second meeting of the Radioactive and Hazardous Materials Committee (RHMC) was called to order by Senator Peter Wirth, chair, on Wednesday, July 23, at 9:38 a.m. at the University of New Mexico-Los Alamos (UNM-LA) campus.

**Present**

Sen. Peter Wirth, Chair  
Rep. Eliseo Lee Alcon, Vice Chair  
Rep. Thomas A. Anderson  
Rep. David M. Gallegos  
Rep. Stephanie Garcia Richard  
Sen. Carroll H. Leavell  
Sen. Richard C. Martinez  
Rep. Jim R. Trujillo

**Advisory Members**

Rep. Donald E. Bratton  
Sen. Nancy Rodriguez  
Rep. Nick L. Salazar

**Absent**

Rep. Cathrynn N. Brown  
Sen. Carlos R. Cisneros  
Sen. Gay G. Kernan  
Sen. John Pinto

Sen. William F. Burt  
Rep. Brian F. Egolf, Jr.  
Rep. William "Bill" J. Gray  
Sen. Ron Griggs  
Sen. Stuart Ingle  
Sen. Daniel A. Ivey-Soto  
Rep. Emily Kane  
Sen. Michael Padilla  
Sen. William H. Payne  
Sen. Clemente Sanchez

**Staff**

Gordon Meeks, Legislative Council Service (LCS)  
Renée Gregorio, LCS  
Carolyn Ice, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts and written testimony are in the meeting file.

**Wednesday, July 23**

After expressing appreciation for UNM-LA's hospitality, Senator Wirth handed the gavel to Representative Garcia Richard, who welcomed all to the meeting and asked legislators to introduce themselves.

**Welcome from UNM-LA**

Dr. Steve Boerigter, chair of the UNM-LA advisory board, and Dr. Cynthia Rooney, chief academic officer at UNM-LA, welcomed the RHMC. Dr. Rooney emphasized that UNM-LA's degrees and business programs educate students to transfer to four-year institutions. She said that UNM-LA instills a passion for lifelong learning in its students. At present, it offers 20 associate degrees and will be adding a degree in environmental technology this fall. In addition, there are programs in community education and enrichment and summer programs for youth. The UNM-LA campus contains a small business development center and an adult basic education program. It serves more than 900 credit students per year and more than 1,000 noncredit students. The student population is 45% Hispanic and has an average age of 32; this includes students as young as 14 (math wizards) and retirees as old as 84. The average demographic served is a 26-year-old Hispanic female enrolled part time.

Dr. Boerigter highlighted the fact that UNM-LA is a high-quality community college branch campus with an 82% placement rate and a 59% completion rate in degree-seeking students who complete a degree or certificate program or transfer to a four-year school. He said that UNM-LA has a high faculty-student ratio in addition to its high success rate.

**Los Alamos National Laboratory (LANL) Waste Drum Characterization Process**

Nancy N. Sauer, associate director of chemistry, life and earth sciences at LANL, introduced herself, emphasizing her strong chemistry background and the fact that she came to LANL in 1986 as a postdoctorate fellow in chemistry.

Ms. Sauer reviewed the events surrounding the radioactive release that first caused the alarm to sound at the Waste Isolation Pilot Plant (WIPP) on February 14, 2014 and, prior to that, the underground fire on February 5 that caused WIPP operations to be suspended. She spoke about the transuranic (TRU) waste generated at LANL as a variable stream of waste consisting of debris, clothing, equipment and other residue and liquids contaminated mostly with plutonium, the majority of which is legacy waste created prior to 1991 as the United States nuclear stockpile was being built. Ms. Sauer then reviewed the entire time line from February 14 through May 30, during which time, an accident investigation board (AIB) completed its investigation; traced the

radiation release to panel 7, room 7; and confirmed the damage to the LANL waste drum. The U.S. Department of Energy (DOE) notified the Department of Environment (NMED) that the "3706 Campaign" to remove above-ground TRU waste would not be completed by the deadline.

In reviewing the scene in panel 7, Ms. Sauer explained that the waste was stacked close to the ceiling, and the breached drum was shown with its lid lifted. She said that Technical Area (TA) 54 is the original storage area for TRU waste and that, early on, materials were put into drums before the waste acceptance criteria were in place. She explained that with legacy waste, the drums have to be opened and examined and the prohibited materials removed. This might include removing aerosol cans, downsizing a glove box and placing it into a suitable container or removing or absorbing liquids in containers. The waste can then be certified for shipment to WIPP, she added.

Ms. Sauer then spoke about the waste in the suspect drum (drum 68660) being waste from plutonium processing that consisted primarily of nitrate salts. Once processing occurred and the solutions cooled, the salt was packaged and placed in drums, which were then packaged in TA 54 and stored in Area G in the mid-1980s. They have remained there until now. LANL had been reviewing how to remediate these wastes for WIPP, she added, which consisted of moving the waste into open drums, removing the liquids (which were neutralized and absorbed in kitty litter), then placing the resulting solids into drums. She explained that a "parent" drum contains the starting materials and the "daughter" drum contains the stabilized or absorbed liquids, as well as the remaining solids. Often, a parent drum can generate more than one daughter drum. These drums were then characterized and certified for acceptance at WIPP.

The history of drum 68660 began with LANL's purification of weapons-grade plutonium for the Rocky Flats nuclear weapons plant in the mid-1980s, Ms. Sauer explained. Two daughter drums were formed from drum 68660, which were characterized in the normal fashion, then shipped to WIPP and placed in panel 7.

LANL took steps immediately after learning of the radioactive release from one of its drums, she added, which included: suspending LANL shipments to Waste Control Specialists (WSC) in Texas; remediating or isolating drums into safe storage; responding to the NMED's administrative order; working closely with the AIB at WIPP; coordinating a multi-laboratory technical analysis team to look at the release event; and designating a recovery manager, Dr. Terry Wallace, at WIPP.

Ms. Sauer then talked about the investigation into the breaching of drum 68660. She said that there are technical teams, engineers and chemists looking at this question from the view of chemical reactivity as well as broader issues that could have led to the breach. Chemical reactivity could include the drum's appearance, the mixture of materials and any process changes, she said, while the broader issues include what other materials were involved, any relationship to external events, such as the truck fire, and issues with other waste containers. In looking at chemical reactivity issues, she stated, the drum contained a nitrate salt, wheat-based kitty litter

and other materials from evaporator bottoms, such as lead, iron and chromium. They looked at what might trigger a reaction, since an initiator is required for a reaction to occur. She said that simple mixtures of kitty litter and nitrate salts are not reactive, but under some specialized conditions, and in the presence of strong acids or trace metals, there can be some reactivity.

Ms. Sauer also pointed out that the investigation has led to a narrowing down of the specific set of reactions in this drum, and an answer about the kind of chemical reaction that did occur is forthcoming. In thinking carefully about the waste stream, the investigators believe that this drum was unique in its combination of nitrates, fuel and glove box. The team is looking internally at the practices and roles at LANL and also its interface with WIPP. She said that the current priorities are to determine what happened, to share this information with the technical teams, to conduct a peer review, to ensure that the TRU waste stream is safe and to restore operations at WIPP. Ms. Sauer opined that WIPP performed as it was supposed to in this event to protect the public and the environment.

In response to committee members' questions and concerns, the following points were discussed.

- LANL and WIPP are both reviewing how they handle TRU waste, from generation to repository of that waste.
- The AIB is studying an electrical event that happened before the breach of the drum, while LANL is focused on chemical reactivity issues.
- The original waste in the breached drum had been stored for over 30 years without an issue, then kitty litter and a glove were placed in that drum; a lot of reactivity is being traced to metals in that glove.
- All drums are being investigated for their contents in Area G, and none contains the contents that the breached drum had.
- Head space gas analysis in a drum is usually monitored once, but after the radioactive release, this is being conducted regularly on a variety of drums.
- It is speculated that a series of process changes occurred that were not adequately controlled; the original intent was to put nonreactive kitty litter in the drum as an absorbent, but what was used was a wheat-based Swheat kitty litter, which essentially added fuel to the drum.
- This kind of kitty litter will not be used any longer, and no waste is currently being treated until the next stage of remediation is completed.
- Swheat kitty litter was used to pack 250 parent containers and 707 daughter containers, but none contains the same components or exists under the same conditions of the breached drum.
- All shipment of TRU waste from LANL has been suspended, and any drums sent to WCS after the radioactive release were placed into standard waste boxes, then placed inside concrete containers that are in temporary underground storage.
- Some of the tests being conducted are aging tests to understand how such a chemical reaction evolves over time as well as the importance of moisture in the process.

- In attempting to identify a trigger that could have led to the radioactive release, it has not been determined if the initiator was external or internal to the drum; LANL is studying whether other chemical reactions could have contributed.
- Experiments are still being performed by LANL and the AIB to determine if there was causality between the truck fire and the breach.

### **LANL Legacy Waste Cleanup Status**

Pete Maggiore, assistant manager for environmental programs, National Nuclear Security Administration (NNSA), DOE, reviewed the 2005 consent order governing cleanup at LANL, the creation of the 3706 Campaign and the current suspension status of that campaign and actions taken at LANL after the radioactive release at WIPP. He described the consent order as the first legally enforceable order between the DOE and the state that stated that all cleanup was to be completed by December 2015. But in 2012, the DOE acknowledged that it could not meet this deadline due to the degree of work involved and the lack of funding.

Mr. Maggiore focused on the concern raised about the TRU waste stored in TA 54 when the Cerro Grande and Las Conchas fires hit the area in 2000 and 2011. Then, the focus of the framework agreement shifted to a risk-reduction approach and setting priorities. He said that despite funding challenges, the 3706 Campaign was 90% completed and on track for full completion when activities at WIPP were suspended. On May 30, the NNSA announced that it would not be able to complete this campaign on schedule because all TRU waste operations had ceased.

Mr. Maggiore reviewed the chronology of events at WIPP, which included the locations of LANL's nitrate salt waste drums. He assured the committee that LANL has taken rigorous action to secure these drums, which action includes secondary containment. He added that on May 19, the NMED issued an administrative order to which LANL responded with its container-isolation plan. LANL then answered further requests for information from the NMED related to the generation and treatment of hazardous waste at LANL. Then, on July 1, LANL self-disclosed noncompliance with the hazardous waste permit (HWP), Mr. Maggiore revealed. The two highlighted areas in the disclosure were unpermitted treatment that included neutralizing waste without a permit or not remediating the waste appropriately and a failure to reevaluate the acceptable knowledge (AK) determination.

Mr. Maggiore stated that a lot of important work is still being done at LANL to complete the cleanup and that the NNSA is working collaboratively with WIPP, the AIB and the DOE's technical assistance team (TAT) to find out the cause of the radioactive release. Other environmental work is being performed at LANL, he said, such as soil and water remediation. This work includes completing nine out of 29 aggregate areas, he stated, as well as 11 of the 26 material disposal areas (MDAs), installing and maintaining ground water monitoring wells and monitoring well locations and surface waste locations.

Mr. Maggiore detailed the work that still needs to be done, which includes cleanup of the remaining TRU waste from the 3706 Campaign and the fiscal year (FY) 2012 and FY 2013 TRU waste and below-grade retrieval of waste as well as a variety of remediation methods. He stated that a risk-based approach is appropriate, as is the model from the 3706 Campaign, which aggregates the work that needs to be accomplished. He acknowledged that there is still a lot of work to be done to regain the public trust and the trust of regulators. He added that the highest priority work includes cleanup of chromium ground water contamination to restrict migration of the plume at the Pueblo of San Ildefonso, the royal demolition explosive contamination project, surface water boundary protection and storm water permit controls and compliance. He then talked about cleanup, related sampling and remediation work in the MDAs.

The FY 2014 budget and appropriation is \$225 million, Mr. Maggiore said, thanking committee members for all of their work in securing this funding. He stressed that the safety of the public, the environment and the workers is the first priority and that significant clean-up work has been accomplished and is continuing. He emphasized the need for community support and recognized that some trust has been lost and needs to be regained and that the DOE is committed to this process. He added that he often gets asked about the cost and time line of the total cleanup and said that the DOE is in the process of developing a life-cycle baseline that will help to answer these questions and that he would be more than willing to share this information with the RHMC.

In response to committee members' questions and concerns, the following points were discussed.

- The revised plan that LANL submitted on May 29 focused on making sure that the remaining drums at LANL are safe and that a process is in place with the NMED to verify safety. No dates for resuming have been established; a deadline to correct procedures is needed.
- There was concern about the chromium contamination and plume geometry, as well as its proximity to the Pueblo of San Ildefonso boundary and its effect on the regional water supply.
- Between 300 and 500 drums of TRU waste is generated each year, but much of this waste was integrated into the 3706 Campaign.

### **Committee Business**

A motion was made and seconded for a letter to be drafted in support of additional funding for the continued removal of TRU waste from LANL. The motion was then unanimously approved by the RHMC. On a motion made and seconded, the minutes for the June meeting were unanimously approved.

Some discussion ensued regarding the Carlsbad meeting of the RHMC, which is scheduled for September 16-17, on whether the meeting will be for the scheduled two days or

just one day. Senator Wirth said that the committee will meet for the two days if the agenda can fill those days and that he will come to a decision within the next two weeks.

### **NMED View**

Ryan C. Flynn, secretary of environment, and Trais Kliphuis, program manager for WIPP, NMED, gave the RHMC the NMED's view of the shipping of waste from LANL to WIPP as well as the NMED's permitting authority.

Ms. Kliphuis talked about the several agencies involved in regulating the shipment of waste from LANL to WIPP, with the NMED having a minimal role and the other agencies being the state and federal departments of transportation, the Nuclear Regulatory Commission and the Environmental Protection Agency (EPA). She spoke about what is involved in preparing waste for shipment, which can include waste retrieval as it can be buried underground, as well as regulations and requirements related to WIPP's HWP and WIPP's disposal site and generator site regulations.

Characterization of the waste prior to shipment to WIPP is required, Ms. Kliphuis said, which includes AK, real-time radiography (RTR) and visual examination (VE). Each drum shipped to WIPP has to have the AK and one of the other two characterizations accomplished, she explained. Also, the LANL permit requires characterization of waste that is done by the Central Characterization Project.

The AK characterization is essentially the story or history of the waste, Ms. Kliphuis said. This is a lengthy process that includes hundreds of documents, she explained. In the VE process, lined metal gloves are used to prevent radioactive exposure while the waste is sorted inside a glove box and then removed and repackaged. With RTR, containers are run through an x-ray scanning device. Next, a waste stream profile is created that verifies that all required elements are present and the waste as characterized meets the acceptance criteria. This then has to be approved before the generator site can ship. Ms. Kliphuis mentioned that the NMED does not have the authority to approve or deny this step, as it is contained in the permit. She then talked about the audit and surveillance program, which ensures that the sites that ship to WIPP conduct testing in accordance with the Waste Analysis Plan (WAP). She added that the DOE has a separate contractor that performs audits and that the NMED observes and validates implementation of WAP requirements. The NMED has to approve both the initial and final audits before shipment of waste can occur. Secretary Flynn added that the NMED does not audit the waste stream itself, but rather the site. Ms. Kliphuis further clarified that what the NMED does is audit the characterization process and progress.

In giving an overview of the process, Ms. Kliphuis said that after waste is characterized and confirmed for transportation, WIPP takes 7% of the data and reviews them again as a check and balance. When waste arrives at the WIPP site, the waste is divided and brought underground. She mentioned that contact-handled and remote-handled waste are transported differently for disposal.

In response to committee members' questions and concerns, the following points were discussed.

- Although the NMED is not involved in the characterization process for waste shipped to WIPP, if the waste does not meet permit requirements, it would be considered out of compliance and the waste could not be accepted if shipped; a shipment could be stopped by the NMED or return of the waste could be required by the NMED.
- What appears to have happened with the radioactive release is that the kitty litter was fuel for the release, but it did not actually cause it; rather, materials that were mixed together were reactive or ignitable and should not have been shipped to WIPP. The waste codes indicated that the materials did not have these qualities, so these materials were assigned incorrect waste codes.
- The NMED regulates the kind of container used only in that if it is changed, the NMED has to approve of the change; the state Department of Transportation regulates the containers in which the waste is shipped.
- The NMED regulates the liquid content of the waste, which has to be under 1% and verified as such.
- Waste codes are assigned by a federal regulatory authority, and the state does not have any authority as to how those codes are assigned.
- The NMED prohibits items that have particular waste codes, and if there is any indication that there is something ignitable, corrosive or reactive in the drum, it cannot be transported to WIPP.
- In self-disclosing some violations of regulations at the site, the DOE noted that it may have treated waste at a site without a permit. This went beyond simply removing the liquid content in a drum. Material that was considered to be a neutralizer for the highly acidic content was introduced, but rather than neutralizing, the introduced material may have contributed to the reaction.
- Much is not yet known or concluded regarding the radioactive release, but what is known is that communication between federal and state authorities needs to be better. The NMED will be reviewing the authority it has in its permit and will report back to the RHMC.
- The AK form should have documented any change in materials added to that drum, but the history of that waste did not show that organic kitty litter was part of that waste stream.
- Under the NMED's regulatory authority, if an administrative order is issued and the receiving entity does not follow it, there are financial penalties and the order can be court-enforced, although the NMED has never had to do this with a federal contractor.
- The NMED issued two administrative orders immediately on finding that there was potential risk to the public; the orders were complied with immediately at great cost to the federal government.
- The waste that is shipped to WIPP is highly tracked every step of the way, and all streams of waste going to WIPP are governed by the WIPP permit.

- All shipments of waste to WIPP have been suspended. The NMED will reinspect the facility, and waste cannot be shipped or disposed of until the facility is reauthorized by the NMED.
- The self-disclosure by the DOE indicates that the waste was treated with "colorspace", which is a violation of the permit; the waste would have had to be shipped out of New Mexico to a licensed and permitted facility for treatment to avoid violation.

## **WIPP Report**

Joe Franco, manager at the Carlsbad Field Office of the DOE, gave more details on the two events at WIPP, the vehicle fire and the radioactive release. He reiterated the importance of safety and said that the WIPP ventilation system worked as designed, but it allowed for contaminants to be released. He said that thousands of samples have been taken and posted on the DOE's web site; weekly (now biweekly) town halls have been held; news releases have been published and sent to surrounding communities; and the Carlsbad Environmental Monitoring and Research Group (CMERG) has conducted monitoring around the facility that confirms the DOE's data.

In the recovery process, the first step is identifying the source of contamination and getting there safely, working through the emergency and beginning recovery and decontamination of the mine. Mr. Franco assured the RHMC that all concerns are addressed before sending teams underground and that over a dozen entries have been completed safely.

Mr. Franco said that panel 7, room 7, is about 10% full, that filters affected by smoke and contamination have been changed, that the mine is stable and that magnesium oxide bags melted during the radioactive release. He clarified that the power company did not show any power surges, as was reported earlier in the day. Clean-up activities are continuing, and although panel 7 is contaminated, the majority of the yellow, green and blue panels of the handout's diagram are not. He stressed the importance of going back underground to bolt areas of concern for safety.

He indicated that the AIB has been at LANL for the past three weeks, focusing on the cause of this radioactive release, especially the response to procedures, the correspondence among offices and communication issues. Questions such as what created the release, whether there are other damaged containers and how the agencies responded are still on the table. Review by experts on TATs and independent review from other national laboratories are still occurring, and TATs and the AIB are in contact with Mr. Franco and his staff, he said.

Mr. Franco spoke about the lack of oversight from the Carlsbad Field Office and subsequent reorganization of the federal work force to bolster oversight. This includes adding 12 positions to the office, which had been suffering from a drop in numbers of staff members. The Nuclear Waste Partnership LLC (NWP) also made organizational changes, he added, which included hiring several people, including a maintenance and operating contractor. Mr. Franco indicated that the NWP is anticipating receiving recovery funding, but there is also the lingering possibility that the NWP could obtain a resolution to continue operations without receiving an

accompanying appropriation. He reiterated that adequate funding is crucial to move forward on the WIPP recovery plan and that state approval and EPA approval is always needed before anything can be done. He said that all issues raised by the AIB are being addressed and that no shipments will be made until all investigations and subsequent improvements are completed.

In response to committee members' questions and concerns, the following points were discussed.

- The CMERG detected radiation only within 16 square miles of the WIPP facility, and employees were exposed to a calculated dose of radiation that is equal to less than one air flight from Albuquerque to Washington, D.C.
- WIPP is critical to the cleanup of nuclear waste nationwide.
- The approach to the investigation of the radioactive release at WIPP is a phased one and includes new procedures, drills, exercises and responses that take time to incorporate and to have the effectiveness reviewed.
- The contract with the NWP began in October 2012 and is a five-year contract with an option to extend it annually for up to 10 years; the first five years' focus is on maintenance and operations and costs about \$150 million per year.
- Through the DOE, a contractor can earn a bonus each year if it meets certain measurements. In 2013, work was geared toward waste and placement of that waste underground; the measures for this year are focused on fixing the WIPP facility.
- Panel 7 has a separate ventilation system, and the flow of air goes out to a common exhaust shaft and is drawn out of the mine through a set of filters. The contamination is around the panel 7 area and is being constantly monitored.
- Although there is a program in place, training drills have not been conducted as often as they could be.

### **Chromium Contamination Mitigation**

Jeff Mousseau, associate director of environmental programs, LANL, described the complex problem of chromium contamination and the remediation that is taking place in Mortandad Canyon, the site of the chromium plume in the regional aquifer. The chromium was originally used as a corrosion inhibitor in cooling towers at LANL between 1956 and 1972, and this chromium was sometimes flushed out of the system with quantities of water, which then flowed down the canyon as surface water, he explained. In 2005, LANL discovered a significant amount of Chromium 6 in the regional aquifer when it installed a ground water monitoring well in the area. The chromium is at 900 feet to 1,000 feet below the canyon bottom, and it is also present in wetland soils and rock layers beneath the canyon floor. He added that the closest drinking water well to the plume is one-half mile away.

Mr. Mousseau described the monitoring wells that are in place and said that data from these wells show increases in chromium. He stressed the importance of taking action because chromium is still making its way into the ground water. He talked about a perchlorate plume that is also in Mortandad Canyon and that is associated with legacy plutonium processing, but he said

that there is no plutonium in that plume and that rates have declined over time. Despite this, he added, LANL still wants to consider corrective action for this plume.

Much monitoring has occurred since 2005, and now tests are occurring to begin corrective measures, he explained. Field activities have included collecting hydrologic data and evaluating the process of mass removal of contaminated water from wells. He said that a pumping treatment will be part, but not all, of the remediation and that in addition to pumping and treating water, there are reductants and biological treatments that can be explored. Mr. Mousseau stated that LANL has worked with the NMED to set up an acceptable remediation plan that includes plume control, establishing a hydraulic capture zone and pumping and treating water, then reinjecting it into the aquifer. The next step involves establishing a flush process, then returning the water to its natural environment. He described the goals of remediation as using a hydraulic capture of chromium-contaminated ground water to get below 50 parts per billion at the laboratory boundary and to remove contaminated ground water from the area.

One measure currently in use is drilling extraction wells and installing treated water effluent pipelines. Mr. Mousseau said that nearly 30 people are working full time on this project. Drilling is also occurring to study contamination in soil or on rock surfaces. Interim measures to maintain hydraulic control of the plume are also in place. Mr. Mousseau reviewed the schedule and budget from FY 2013 through FY 2015; the schedule includes evaluating the data in 2015 from the aquifer testing and the test pilots of the plume control wells that were accomplished in 2013 and 2014. The budget for capital expenditures and operations is estimated at \$190 million. He said that LANL is working in collaboration with the Pueblo of San Ildefonso, Los Alamos County and the Northern New Mexico Citizens' Advisory Board, as well as regularly coordinating with the NMED.

The discussion included dialogue with Dave McEnroy, program manager, Corrective Actions Program, LANL, and Dr. Danny Katzman, chief scientist for environmental programs, LANL. In response to committee members' questions and concerns, the following points were discussed.

- Although the aquifer is large and complex and extends far north and south, LANL believes that the Buckman Well Field is independent from this aquifer and that the plume sits within a relatively small portion of the aquifer under Los Alamos County.
- The velocities of ground water movement are not the same as those of chromium movement.
- The federal government under the environmental management budget pays for this cleanup, and the chair requested that a letter to be written regarding clean-up funding be inclusive of this area of cleanup.
- Enough samples of ground water have been taken over time, making it possible to correlate contamination levels to distances among the 20 monitoring wells in place in the area.

- The chromium levels can be reduced, but chromium can never be completely eliminated. The focus is on getting below the 50-parts-per-billion mark.
- The recent increase in chromium activity in the plume occurred along the margin, which is likely due to contamination along the water's route.

**Public Comment**

Eletha Trujillo, WIPP program coordinator, NMED, assured the RHMC that mechanisms are in place, such as inspections and proper documentation, to ensure the validity of shipments coming into the state and that she would not hesitate to stop a shipment of TRU waste if it does not meet the criteria.

In answering questions, Ms. Trujillo said that she is responsible for monitoring shipments alongside WIPP coordinators and state police and that training is also provided to locals along the WIPP route. Secretary Flynn added that if at any time under his authority it is determined that there is a danger to public health or even the potential for danger, the NMED can take unilateral action in the form of administrative orders. He said that this power is rarely used, but he has used it four times in the past few months as a direct result of the radioactive release at WIPP. If he thinks there is a threat, he certainly exercises the power he has to protect the public. He added that Carlsbad and surrounding communities have all been very supportive and cooperative.

**Adjournment**

There being no further business, the committee adjourned at 4:15 p.m.